

HFA County Ordinance Comparison

	Contracts	Budget and Audits	Staffing and Legal Counsel Model
Florida Statute (Chapter 159, Part IV and Chapter 189)	159.608(1), F.S. gives HFA's the power "To sue and be sued, to have a seal and to alter the same at pleasure, to have perpetual succession, to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the housing finance authority, and to make and from time to time amend and repeal bylaws, rules, and regulations, not inconsistent with this act, to carry into effect the powers and purposes of the housing finance authority." There is no statutory requirement for prior BCC approval by resolution. However, the BCC may at any time alter or change the structure, organization, programs, or activities of the HFA.	Chapter 159, Part IV, governing HFA's, does not specifically address budgeting, nor does it require any approval of an HFA's budget by any entity, including the BOCC, of the HFA's budget. 159.608(1)(b) gives HFA's the power "To do anything necessary or appropriate to further the purpose for which a housing finance authority is established...." This power has consistently been read to give HFA's the authority to adopt their own budgets. However, the HFA, as a dependent special district, is subject to the requirements contained in Chapter 189, Uniform Special District Accountability Act. Chapter 189 requires that proposed HFA budgets be contained within the BCC budget and to be clearly stated as budget of the HFA. However, with the concurrence of the BCC, the HFA may be budgeted separately. Chapter 189 also requires the HFA to comply with the statutory reporting requirements for annual financial audit reports. The HFA may provide for the required annual financial audits by being included in the BCC's annual audit.	159.605(2)(b), F.S., gives the power to HFA's to 1. Employ such agents and employees, permanent or temporary, as it requires and shall determine the qualifications, duties, and compensation of those agents and employees. 2. Delegate to an agent or employee such powers or duties as it considers proper. 3. Employ its own legal counsel.
Active Housing Finance Authorities			
Brevard	HFA has authority to make and execute its own contracts.	HFA Board adopts HFA budget. No BOCC approval required. HFA independent audit submitted to County.	HFA contracts with independent contractor for staff support. Legal services provided by private counsel.
Broward	BOCC approves all HFA contracts.	HFA Board adopts HFA budget. No BOCC approval required. HFA independent audit submitted to County.	County employees assigned to the HFA. Legal services provided by private counsel.
Clay	HFA has authority to make and execute its own contracts.	HFA Board adopts HFA budget. No BOCC approval required. HFA independent audit submitted to County.	HFA contracts with independent contractor for staff support. Legal services provided by private counsel.
Escambia	HFA has authority to make and execute its own contracts.	HFA Board adopts HFA budget. No BOCC approval required. HFA independent audit submitted to County.	HFA employs staff. Legal services provided by private counsel.
Hillsborough	HFA has authority to make and execute its own contracts.	HFA Board adopts HFA budget. No BOCC approval required. HFA independent audit submitted to County.	HFA contracts with independent contractor for staff support. Non-bond legal services provided by County Attorney.
Jacksonville	HFA has authority to make and execute its own contracts.	HFA Budget part of City budget, approved by City Council. Single Family bond issue audits performed by independent audit. JHFA operational expenditures part of City audit.	Some staff activities contracted to independent contractor, some performed by City staff on reimbursement basis. Non-bond legal services provided by City.
Lee	HFA has authority to make and execute its own contracts.	HFA Board adopts HFA budget. No BOCC approval required. HFA independent audit submitted to County.	HFA contracts with independent contractor for staff support. Legal services provided by private counsel.
Leon	Sec. 2-77: Contracts by the HFA shall first be approved by resolution of the County Commission.	Sec. 2-78: The exercise of any power of the HFA is subject to the power of the BCC to approve HFA's budget. HFA audit part of County audit.	Some staff activities contracted to independent contractors, some performed by County staff. Legal services provided by private counsel and County Attorney.

Manatee	HFA has authority to make and execute its own contracts.	HFA Board adopts HFA budget. No BOCC approval required. HFA independent audit submitted to County.	HFA contracts with independent contractor for staff support. Legal services provided by private counsel.
Miami-Dade	HFA has authority to make and execute its own contracts.	HFA Board adopts HFA budget. No BOCC approval required. HFA independent audit submitted to County.	HFA employs staff. Non-bond legal services provided by County Attorney.
Orange	HFA has authority to make and execute its own contracts.	HFA Board adopts HFA budget. No BOCC approval required. HFA independent audit submitted to County.	HFA contracts with independent contractor for staff support. Legal services provided by private counsel.
Osceola	HFA has authority to make and execute its own contracts.	HFA Board adopts HFA budget. No BOCC approval required. HFA audit part of County audit.	HFA contracts with independent contractor for staff support. Legal services provided by private counsel.
Palm Beach	HFA has authority to make and execute its own contracts. Contracts over \$10,000 require BOCC approval	HFA Board adopts HFA budget. No BOCC approval required. HFA independent audit submitted to County.	Hiring, retention, and salaries set by HFA only. Employees are considered County employees. Legal services provided by private counsel.
Pasco	HFA has authority to make and execute its own contracts.	HFA Board can adopt HFA budget. BOCC approval required. HFA audit part of County audit.	HFA utilizes County staff. Non-bond legal services provided by County Attorney.
Pinellas	HFA has authority to make and execute its own contracts.	HFA Board adopts HFA budget. No BOCC approval required. HFA independent audit submitted to County.	HFA employs staff. Legal services provided by private counsel.
Polk	HFA has authority to make and execute its own contracts.	HFA Board adopts HFA budget. No BOCC approval required. HFA independent audit submitted to County.	HFA contracts with independent contractor for staff support. Legal services provided by private counsel.
Inactive Housing Finance Authorities			
Alachua	HFA has authority to make and execute its own contracts.	BOCC adopts HFA budget. No BOCC approval required. HFA iaudit part of County audit..	HFA is not active. HFA has power to employ staff and hire outside legal counsel. Because of limited activity, use County staff for support. Legal services provided by private counsel.
Marion	HFA has authority to make and execute its own contracts.	HFA Board adopts HFA budget. No BOCC approval required.	HFA is not active. HFA has power to employ staff and hire outside legal counsel. Because of limited activity, uses private counsel for legal and staff support.
St. Johns	HFA has authority to make and execute its own contracts.	HFA Board adopts HFA budget. No BOCC approval required.	HFA is not active. HFA has power to employ staff and hire outside legal counsel. Because of limited activity, use County staff and County Attorney for legal and staff support.
St. Lucie	HFA has authority to make and execute its own contracts.	HFA Board adopts HFA budget. No BOCC approval required. HFA audit part of County audit.	HFA is not active. HFA has power to employ staff and hire outside legal counsel. Because of limited activity, uses County Attorney for legal and staff support.